



NATIONAL SECURITY AGENCY
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 108149
8 October 2019

FREDDY MARTINEZ
MUCKROCK NEWS
411A HIGHLAND AVE
SOMERVILLE MA 02144-2516

Dear Mr. Martinez:

This responds to your Freedom of Information Act (FOIA) request of 4 October 2019, which was received by the National Security Agency (NSA) FOIA office on 7 October 2019, for a copy of all records this Agency maintains on Dr. Benjamin Emanuel. Your letter has been assigned Case Number 108149. Please refer to this case number when contacting us about your request. Your request has been processed under the provisions of the FOIA. For purposes of this request and based on the information you provided in your letter, you are considered an "all other" requester. There are no assessable fees for this request.

Security management files are maintained on NSA affiliates. Therefore, a search of our security filing systems was conducted. Our records do not reflect that Dr. Benjamin Emanuel has ever been affiliated with this Agency; thus, no records were located.

To the extent that you are seeking non-intelligence information on Dr. Benjamin Emanuel, a thorough search of our files was conducted, but no records responsive to your request were located.

To the extent that you are seeking intelligence information on Dr. Benjamin Emanuel, please be advised that NSA collects and provides intelligence derived from foreign communications to policymakers, military commanders, and law enforcement officials. We do this to help these individuals protect the security of the United States, its allies, and their citizens from threats such as terrorism, weapons of mass destruction, foreign espionage, international organized crime, and other hostile activities. What we are authorized to do, and how we do it, is described in Executive Order 12333. Information about how NSA conducts signals intelligence activities is available

on the websites of NSA (www.nsa.gov) and the Office of the Director of National Intelligence (www.dni.gov).

To respond to your request, NSA would have to confirm or deny the existence of intelligence records on Dr. Benjamin Emanuel. Were we to do so in your case, we would have to do so for every other requester. This would enable, for example, a terrorist or other adversary to file a FOIA request with us in order to determine whether he or she was under surveillance or had evaded it. This in turn would allow that individual to better assess whether they could successfully act to damage the national security of the United States. For such reasons, we can neither confirm nor deny the existence or non-existence of the records you requested.

The FOIA exempts several categories of information from disclosure. Its first exemption indicates that it does not apply to matters that are authorized by Executive Order to be kept secret and properly classified in the interest of national defense or foreign relations. The fact of the existence or non-existence of intelligence records on any individual, including yourself, is an appropriately classified matter. Paragraph 3.6(a) of Executive Order 13526 ("Classified National Security Information") specifically authorizes this type of response, also known as a Glomar response, to such requests made under the FOIA.

Moreover, the third exemption under the FOIA authorizes the withholding of information specifically protected from disclosure by statute. The fact of the existence or non-existence of records responsive to your request is currently exempted from disclosure by the following statutes: Title 18 U.S. Code 798; Title 50 U.S. Code 3024(i); and Section 6, Public Law 86-36 (50 U.S. Code 3605).

You may appeal this decision. If you decide to appeal, you should do so in the manner outlined below. NSA will endeavor to respond within 20 working days of receiving your appeal, absent any unusual circumstances.

- The appeal must be sent in via U.S. postal mail, fax or electronic delivery (e-mail) and addressed to:

NSA FOIA/PA Appeal Authority
National Security Agency
9800 Savage Road STE 6932
Fort George G. Meade, MD 20755-6932

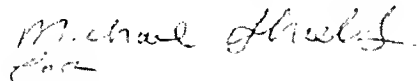
The facsimile number is (443)479-3612.
The appropriate email address to submit an appeal is
FOIARSC@nsa.gov.

- It must be postmarked or delivered electronically no later than 90 calendar days of the date of this letter. Decisions not appealed within 90 days will not be addressed.
- Please include the case number provided above.
- Please describe with sufficient detail why you believe the denial of requested information was unwarranted.

You may also contact our FOIA Public Liaison at foialo@nsa.gov for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Rd - OGIS
College Park, MD 20740
ogis@nara.gov
(877)684-6448
(202)741-5770
Fax (202)741-5769

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael Shultz", with a small mark below it.

JOHN R. CHAPMAN
Chief, FOIA/PA Office
NSA Initial Denial Authority